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Dkt. 75990-B/JPW/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul Simmons et al.  
Serial No.: 10/813,747 Examiner: M. Belyavskiy  
Filed : March 29, 2004 Group Art Unit: 1644  
For : MESENCHYMAL PRECURSOR CELL

1185 Avenue of the Americas  
New York, New York 10036  
November 22, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

COMMUNICATION CONFIRMING NOVEMBER 13, 2006 TELEPHONE  
CONFERENCE WITH EXAMINER

This Communication is being submitted to confirm a November 13, 2006 telephone conference between Examiner Michael Belyavskiy of the U.S. Patent and Trademark Office and Brian Amos of the undersigned's office.

Background

An Office Action was issued July 10, 2006 in connection with the above-identified application requiring restriction between Examiner's claim groups I-XI pertaining to claims 1-67.

During a November 13, 2006 telephone conference with Examiner Belyavskiy, Mr. Amos pointed out that original claims 1-67 were amended in a Preliminary Amendment filed March 29, 2005 which, specifically, amended original claims 9 and 24-34, and added new claims 68-78. Accordingly, Mr. Amos requested that the Examiner withdraw the July 10, 2006 Office Action.

Examiner Belyavskiy agreed to withdraw the July 10, 2006 Office

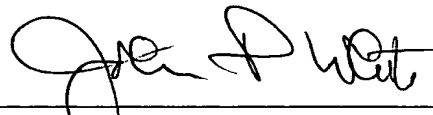
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Action if applicants confirmed the November 13, 2006 telephone conference in writing and detailed the error in issuing the Restriction Requirement based on original claims 1-67. Accordingly, applicants are filing this Communication to confirm the error involved in issuing the Restriction Requirement.

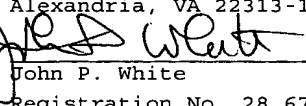
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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